

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

RICKY L. SMITH,

Petitioner,

VS

WARDEN STEPHEN BULLARD, et al.,

Respondents.

2:03-02289-JHH-RRA

MEMORANDUM OPINION

The court has considered the entire file in this action, together with the Magistrate Judge's Report and Recommendation, and has reached an independent conclusion that the Report and Recommendation is due to be adopted and approved. The court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of the court. In accord with the recommendation, this petition for writ of habeas corpus is due to be dismissed to allow the petitioner to petition the Eleventh Circuit Court of Appeals for permission to file a successive petition in this court. An appropriate order will be entered.

DONE this 16th the March, 2005.

James H. Hancock

FOR UNITED STATES DISTRICT JUDGE

SENIOR UNITED STATES DISTRICT JUDGE